IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3856 OF 2007

Shankar Dhansing Kayyawale ....Petitioner

V/s.

The Regional Caste Verification Committee, Pune Division, Pune & Ors. ....Respondents

Mr.Amit Borkar with Mr.V.V. Purwant for the Petitioner.

Mr.C.R. Sonawane, AGP for Respondent Nos.1, 2, 4 and 5.

Mr.P. Sarda i/b Mr.Vineet B. Naik for Respondent No.3.

Mr.G.S. Gobdole for the Intervenor.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 18TH JUNE, 2007.

P.C. :

1. This Petition filed under Article 226 of the Constitution of India impugns the order of the Caste Scrutiny Committee dated 18.4.2007. By the said order the Committee has invalidated the caste certificate of the Petitioner as belonging to Thakur, Scheduled Tribe (S.T.).

2. The Petitioner contested in the elections which were held for electing councillors to Solapur Municipal Corporation, from Ward No.68, which was reserved for S.T. candidate. The Petitioner was declared elected in the results which were declared on 2.2.2007.

3. On the Petitioner’s election, a complaint was made by one Prakash Yalgulwar that the Petitioner’s claim as belonging to S.T. was false and therefore the caste certificate given to him should be invalidated.

4. In terms of law which is applicable pursuant to coming into force of Scheduled Caste, Scheduled Tribe, N.T. and other Backward Classes and Special Backward Classes (Regulation of Issuance and Verification of Caste Certificate) Act, 2000, as also on the basis of the complaint received, the Petitioner’s caste certificate was sent for verification to the Respondent No.2 - Committee. As per the procedure, the enquiry was conducted through Vigilance Cell. Amongst the documents produced by the Petitioner, were the copies of the birth extract in respect of the Petitioner’s paternal relations showing

the caste as Hindu Thakur, the date of birth as 17.1.1933 (son born to Bhimsingh Tukaram) and 4.5.1963 (son born to Sitaram Bajrang). The Committee therefore vide its letter dated 26.2.2007 had asked the record keeper of the Solapur Municipal Corporation to remain present before the Committee along with the original birth register on 12.3.2007. After recording the statement of the record keeper of the Solapur Municipal Corporation, as also after considering the entries in the birth register, the Committee came to a conclusion that the said birth extracts are manipulated and fake and not as per the birth register of the Solapur Municipal Corporation.

. The Petitioner on the basis of the said birth extract has obtained the caste certificate. The birth extract on the basis of which the caste certificate was issued to the Petitioner having been found to be fake, the Committee came to a conclusion that the Petitioner does not belong to Thakur, S.T.

5. We have perused the impugned order passed by the Committee, the Committee has arrived at a factual finding of fact that the caste certificate has been issued on the basis of fake birth extracts, since the substratum of the Petitioner’s claim i.e. caste

certificate is found to be based on bogus material, we do not find any error in the reasoning of the Committee and hence no interference is called for under Article 226 of the Constitution of India. The Petition is therefore summarily dismissed.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)